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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,195	10/16/2003	Lizhang Yang	58829US002	7160
32692	7590	06/06/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			WOOD, KEVIN S	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			2874	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/687,195	Applicant(s) YANG ET AL.	
	Examiner Kevin S. Wood	Art Unit 2874	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet containing Response to Arguments.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Kevin S. Wood

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed on 26 May 2006 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed the applicant's arguments but firmly believes that the cited reference to reasonably and properly meet the limitations of the claimed invention. The applicant's primary argument is that the Jennings et al. reference (U.S. Patent No. 5,367,595) does not disclose all the limitations of the claimed invention. The applicant's primary argument is that because the outer member (112) is disclosed to have the inner wedge member (118) inserted inside it for aligning the fiber optic cables that it cannot meet the limitations of the claim. Specifically, the applicant argues that the inner wedge member provides channels which hold a single fiber optic cable, not the plurality of fiber optic channels as claimed within claim 1. The examiner respectfully disagrees with this argument.

Claim 1 claims an apparatus having one channel, where the channel includes: an input zone for holding a plurality of fiber optic cables; a transition zone adjacent to the input zone, the transition zone configured to contain all the optical fibers in a common space; and an output zone adjacent to the transition zone, the output zone comprising at least one slot, each slot having a maximum width that is equal to a multiple of the optical fiber diameter plus one half the optical fiber diameter. The outer member (112) disclosed within the Jennings et al. reference meets all these limitations. See Fig. 5. The input zone is shown by reference number (142), the transition zone is

shown by reference number (138,140), the output zone is shown by reference number (136), and the slot is shown by reference number (124). Fig. 9 and Fig. 10 clearly show that the outer member holds the plurality of fiber optic cables within its inner channel (120) that forms the common space.

The applicant has not disclosed how the outer member (112) does not disclose the claimed inventions. Instead the applicant seems to be arguing that language of claim 1 does not allow for the inner wedge member (118) to be used within the outer member (112). The examiner respectfully disagrees with this interpretation of claim 1. The wedge member (118) is a separate component that has been inserted within the outer member (112) and is not precluded by the claim language. The applicant is reminded that the term "comprising" is inclusive or open-ended and does not exclude additional unrecited components or features.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Kevin S. Wood". The signature is written in a cursive, flowing style.

Kevin S. Wood
Patent Examiner